



and is a citizen of the State of Texas. *Id.* Based on this information, Plaintiff was a citizen of the State of Texas at the time the state court action commenced.

3. Mr. Singh resides in the State of California. Ex. A, State Ct. R., Pl's. Amend. Pet. ¶ 4. Mr. Singh is a resident of the State of California. Based on information from Plaintiff's petition, Mr. Singh is a resident of Riverside, California and is a citizen of the State of California. *Id.* Based on this information, Mr. Singh was a citizen of the State of California at the time the state court action commenced.

4. Lynn Trucking is a foreign corporation. Ex. A, State Ct. R., Pl's. Amend. Pet. ¶ 3. Lynn Trucking is not a citizen of Texas and was not a citizen of Texas when the State Court Action commenced. Lynn Trucking is a corporation incorporated in the State of California with its principal place of business at 18388 Hidden Ranch Road, Riverside, California. Under 28 U.S.C. § 1332(c)(1), Lynn Trucking was a citizen of the State of California at the time the State Court Action commenced.

4. Plaintiff seeks damages in excess of \$1,000,000.00 for medical care expenses; property damage; exemplary damages; physical and mental pain; and suffering and anguish. Ex. A, State Ct. R., Pl. Amend. Pet. ¶ 28-38.

6. Lynn Trucking and Mr. Singh now timely remove this case to federal court.

## **II. GROUNDS FOR REMOVAL**

7. Subject matter jurisdiction exists in this case pursuant to section 1332, and therefore, removal of this case to federal court is proper because the amount in controversy is in excess of \$75,000.00 and diversity exists among the parties.

**A. *The Amount in Controversy Is in Excess of \$75,000.***

8. Pursuant to section 1332, the amount in controversy must exceed the sum or value of \$75,000.00. 28 U.S.C. § 1332(a).

9. Plaintiff seeks damages in excess of \$1,000,000.00, which is in excess of \$75,000.00. Therefore, the amount in controversy is satisfied.

**B. *Total Diversity Exists Among the Parties.***

10. Diversity of citizenship is assessed at the time the action is filed. *Freeport-McMoRan, Inc. v. K N Energy, Inc.*, 498 U.S. 426, 428 (1991).

11. The citizenship of an individual is based on the individual's domicile. *Coury v. Prot*, 85 F.3d 244, 250 (5th Cir. 1996).

12. The citizenship of a corporation is based on its state of incorporation and principal place of business. 28 U.S.C. § 1332(c)(1).

13. Total diversity of citizenship exists because Plaintiff's citizenship is diverse from the citizenship of Lynn Trucking and Mr. Singh in that (1) Plaintiff is a citizen of the State of Texas; (2) Lynn Trucking is a citizen of the State of California; and (3) Mr. Singh is a citizen of the State of California. Thus, complete diversity exists among the parties.

**III. PROPER VENUE AND COMPLIANCE WITH THE REMOVAL PROCEDURE**

14. Pursuant to section 1441(a), removal to this Court is proper as the accident occurred in El Paso County, Texas. *See* 28 U.S.C. § 1391(b)(2) ("A civil action may be brought in . . . a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . .").

15. Removal of this matter to federal court is timely, as Lynn Trucking and Mr. Singh have removed this matter within thirty (30) days of their attorneys of record accepting service on their

behalf on September 24, 2019, the point at which this matter became removable, *see* 28 U.S.C. § 1446(b), and within one year of the commencement of this action. *See id.* § 1446(c)(1).

16. Lynn Trucking and Mr. Singh will properly give Plaintiff written notice of the filing of this Joint Notice of Removal as required by section 1446(d). Lynn Trucking and Mr. Singh will also promptly file a copy of this Joint Notice of Removal with the District Clerk of the 205th Judicial District Court in El Paso County, Texas in case number 2019DCV1962.

17. True and correct copies of all process, pleadings, and the Orders served in the State court action are being filed with this Joint Notice of Removal, as required by section 1446(a). Ex. A, State Ct. R.

#### **IV. PRAYER**

Accordingly, Lynn Trucking, Inc. and Parminder Singh, pursuant to and in conformity with the requirements set forth in section 1446, respectfully remove case number 2019DCV1962 from the 205th Judicial District Court in El Paso County, Texas to the United States District Court for the Western District of Texas, El Paso Division.

*<Signature page follows>*

Respectfully submitted,

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Attorneys for Lynn Trucking, Inc. and Parminder Singh

**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing document was served to all parties via the ECF electronic filing system on the 8th day of October, 2019.

/s/ Cindy M. Vazquez  
CINDY M. VAZQUEZ

**CONSENT TO ELECTRONIC SERVICE**

Attorneys of record for Lynn Trucking, Inc. and Parminder Singh consent to service by electronic means pursuant to Federal Rule of Civil Procedure 5(b)(1)(E).